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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,314	10/02/2002	Nicholas Yannakoyorgos	36287.02900	2237

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EXAMINER

KANG, INSUN

ART UNIT PAPER NUMBER

2193

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/065,314	YANNAKOYORGOS ET AL.	
	Examiner	Art Unit	
	Insun Kang	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/2/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

Handwritten initials

DETAILED ACTION

1. This action is in response to the amendment filed 5/2/2005.
2. As per applicant's request, claims 1, 9-13, 15, and 21 have been amended.
Claims 1-21 are pending in the application.
3. Note that portions of this Office Action reply on the prior Office Action, which was mailed 12/1/2004. However, claims requiring modification, necessitated by amendment, have been fully outlined in this Office Action.

Drawings

4. The drawings filed 5/2/2005 are not labeled "Replacement Sheet" in the page headers. Upon resubmission of the corrected drawings with labels, the drawings will be accepted.

Specification

5. The objection to the specification has been withdrawn due to the amendment to the Specification.

Claim Objections

6. The objection to claims 1, 9-13, and 21 has been withdrawn due to the amendment to the claims.

Claim Rejections - 35 USC § 112

7. The rejection to claims 1-13 has been withdrawn due to the amendment to the claims.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 13 and 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Steinman et al ("Object Technology's ENVY/Developer") hereafter "Steinman."

Per claim 13:

Steinman discloses identifying projects for a software development cycle (pg. 2 paragraphs 2-3 "big projects in Smalltalk" page. 10 under Who Can Benefit... Smalltalk projects"-It is interpreted that these projects are identified); initiating software code development of a plurality of functional development packages in the single software code repository (page. 2 under Needs "Code sharing and concurrency control;" page 9 paragraph 1 "there will be concurrent development;" pg. 4 under Hierarchy of Software Components "software components" –software components are interpreted as functional development packages—pg. 4 shared repository); approving the plurality of functional development packages(page. 6 paragraph 4 "developer... can release it to its containing component;" page 7 paragraph 1 "developer... alone can version"-Interpreted as examples of the developer approving the functional development packages in order to release or version); automatically identifying omissions or conflicts between the approved plurality of functional

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development packages(page 2 under Needs" Integration...detecting conflicts"); resolving the omissions or conflicts between the plurality of functional development packages to produce a single functional development package (i.e. "Integration: groupware must support the combining of code received from different developers, which is primarily a function of detecting conflicts and managing dependencies, " page 2 under Needs; pg. 2 under Needs "Integration...detecting conflicts and managing dependencies;" pg 11 par. 3 "merging and differencing capability;" "merging the diverged code"); and releasing the single functional development package (pg. 7 par. 1 "owner...release the class;" pg. 4 under Hierarchy of Software components) as claimed.

Per claim 15:

The rejection of claim 13 is incorporated and further, Steinman discloses submitting the single functional development package for system testing (i.e. "Integration: groupware must support the combining of code received from different developers, which is primarily a function of detecting conflicts and managing dependencies, " page 2 under Needs; page 5 paragraph "tested versions") as claimed.

Per claim 16:

The rejection of claim 13 is incorporated and further, Steinman discloses regression testing the single functional development package (i.e. "Integration: groupware must support the combining of code received from different developers, which is primarily a function of detecting conflicts and managing dependencies....regression testing, " page

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2 under Needs; page 6) as claimed.

Per claim 17:

The rejection of claim 13 is incorporated and further, Steinman discloses submitting the plurality of functional development packages for manager approval within the single software code repository (pg. 6 under user roles-page 7 paragraph 3).

Per claim 18:

The rejection of claim 13 is incorporated and further, Steinman discloses automatically submitting the plurality of functional development packages for code owner approval (page 5 paragraph 3).

Per claim 19:

The rejection of claim 13 is incorporated and further, Steinman discloses applying the plurality of functional development packages to a development map within the software code repository (page 5 paragraph 3) as claimed.

Per claim 20:

The rejection of claim 13 is incorporated and further, Steinman discloses testing the released single functional development-package (page 5 paragraph 3).

Per claim 21:

Steinman discloses identifying projects for a SMALLTALK software development cycle (pg. 2 paragraphs 2-3 "big projects in Smalltalk" page. 10 under Who Can Benefit... Smalltalk projects"-It is interpreted that these projects are identified);

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initiating SMALLTALK software code development of functional development packages in the single software code repository (page. 2 under Needs "Code sharing and concurrency control;" page 9 paragraph 1 "there will be concurrent development;" pg. 4 under Hierarchy of Software Components "software components" –software components are interpreted as functional development packages—pg. 4 shared repository); automatically submitting the plurality of functional development packages for code owner approval (page 5 paragraph 3); automatically identifying omissions or conflicts between the plurality of functional development packages (page 2 under Needs "Integration...detecting conflicts"); resolving the omissions or conflicts between the plurality of functional development packages to produce a single functional development package (i.e. "Integration: groupware must support the combining of code received from different developers, which is primarily a function of detecting conflicts and managing dependencies, " page 2 under Needs; pg. 2 under Needs Integration...detecting conflicts and managing dependencies;" pg 11 par. 3 "merging and differencing capability;" "merging the diverged code"); regression testing the single functional development package (page 5 paragraph 3); approving the single functional development package (page. 6 paragraph 4 "developer... can release it to its containing component;" page 7 paragraph 1 developer... alone can version"-Interpreted as examples of the developer approving the functional development packages in order to release or version); releasing the single functional development package (pg. 7 par. 1 "owner...release the class;" pg. 4 under Hierarchy of Software components) as claimed.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinman et al ("Object Technology's ENVY/Developer") hereafter "Steinman."

Per claims 1 and 3-8: Note the rejection as outlined in the prior Office Action.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Steinman et al ("Object Technology's ENVY/Developer") hereafter "Steinman" in view of Banick et al. ("Web Management with Microsoft visual SourceSafe 5.0") hereafter "Banick."

Per claim 12: Note the rejection as outlined in the prior Office Action.

13. Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinman et al ("Object Technology's ENVY/Developer") hereafter "Steinman" as applied to claims 1 and 13 above, in view of Underwood (USPN 6,718,535).

Per claim 2:

The rejection of claim 1 is incorporated, further, note the rejection as outlined in the prior Office Action.

Per claim 14:

The rejection of claim 13 is incorporated, further, note the rejection as outlined in the prior Office Action.

14. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinman et al ("Object Technology's ENVY/Developer") hereafter "Steinman" in view of Chiles et al. (USPN 6,748,582) hereafter "Chiles."

Per claims 9-11:

Note the rejections as outlined in the prior Office Action.

Response to Arguments

15. Applicant's arguments filed 5/2/2005 have been fully considered but they are not persuasive.

Per claim 1:

The Applicant states that: 1) Steinman discloses detecting conflicts in a single repository, and there is no suggestion to detect conflicts between at least two repositories...a mere suggestion of multiple repositories as proposed by the Examiner is not sufficient to disclose or suggest "identifying omissions or conflicts between the approved functional development packages."

In response, the claim does not recite detecting "conflicts between at least two repositories." The claim broadly recites, "identifying omissions or conflicts between the approved functional development packages" without further reciting as to which packages they are referring. Therefore, the conflicts can be between the packages in a

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single repository according to the claim language used. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, the claims are read with the broadest reasonable interpretation in mind (Note MPEP 2111).

2) "This limitation is not simply resolving omissions or conflicts in a single package of a single repository. Applicants submit that the mere suggestion of multiple repositories as the Examiner proposes is not sufficient to disclose or suggest ...resolving the omissions or conflicts between the functional development packages that are within each of the software code repositories."

In response, again, the claim does not recite the omissions or conflicts are between the functional development packages that are in different repositories.

3) Steinman does not disclose approval within each repository.

In response, the claim merely recites, approving the packages within each of the repositories without specifying what the approving is. Further, Steinman states that the "class owner can then release the class to its containing application," determining the prerequisites for an application (page 6, user roles). The class owner reviews the edited class and releases it if approved. Also, a new release of Envy/Developer provides multi-repository support (stated in the Postscript of the disclosure on page 13).

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Therefore, the approval of the packages within each of the repositories would be obvious over the one repository in a distributed development environment.

Accordingly, the rejection of claim 1 is considered proper and maintained. If applicant means anything more, this must be brought out in the claims to further clarify the invention.

Per claims 9-11

The applicant states that Steinman does not disclose the limitations of claims 9-11, for the reasons set forth in connection with claim 1. As shown above, the rejection of claim 1 by Steinman is maintained, and accordingly, the rejections of claims 9-11 are also maintained.

Per claim 12:

The applicant states that Steinman does not disclose, "automatically submitting the functional development packages for code owner approval...." Automatically identifying omissions or conflicts between ...packages."

In response, Steinman states that Envy supports the "function of detecting conflicts and managing dependencies (page 2 under "Needs")." Thus, there is automatic in the disclosure of Steinman.

Per claims 2 and 14:

The applicant states that claims 2 and 14 are allowable as being dependent on allowable base claims. As has been shown above, the rejections of the independent

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claims 1 and 13 by Steinman are maintained, the argument that claims 2 and 14 are allowable as being dependent on the allowable base claims is considered moot.

Accordingly, the rejections of claims 2 and 14 are also maintained.

Per claims 13 and 21:

The applicant argues that Steinman fails to disclose or suggest the limitations in claims 13 and 21. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Further, as addressed above, Steinman discloses the limitations in the claims. Steinman discloses resolving the omissions or conflicts between the plurality of functional ...packages to produce a single functional ...package ("Integration: groupware must support the combining of code received from different developers, which is primarily a function of detecting conflicts and managing dependencies," page 2 under Needs). Such conflicts and dependency problems among the components are resolved and the modules are merged to produce a single package for regression testing, versioning, and release afterwards.

Per claims 15 -20:

The applicant states that claims 15-20 are allowable as being dependent on an allowable base claim. As has been shown above, the rejection of the independent claim

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13 by Steinman is maintained, the argument that claims 15-20 are allowable as being dependent on the allowable base claim is considered moot.

Accordingly, the rejections of claims 15-20 are also maintained.

Conclusion

16. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 7:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

I. Kang
7/12/2005
AU2193


ANIL KHATRI
PRIMARY EXAMINER